IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Appeal No. 74 of 2004

Govind Singh Dhami @ Gopu
S/o Sri Dhoom Singh Dhami
R/o Khuria Khatta No. 12, Bindu Khatta
P.S. Lal Kuan
District Nainital & another ……..Appellants

Vs.

State of Uttaranchal ……Respondent

Hon'ble M.M. Ghildiyal, J.

This appeal has been filed against the order dated 09.02.2004 passed by Additional District & Sessions Judge / Ist F.T.C. Haldwani, District Nainital, whereby the appellants was awarded sentence for a period of one year ten months under section 411 of I.P.C. and has been acquitted under section 307 read with section 34 & 379 of I.P.C. and section 25 of Arms Act. While awarding sentence for one year ten months, the learned Additional Sessions Judge / Ist F.T.C., Haldwani, District Nainital has mentioned that the period for which appellant remained in jail shall be adjusted in the sentence awarded.

It is submitted by the counsel for the appellant that the appellant is already undergone about one year eleven months, as he remained in custody throughout the trial.

In view of the fact that the appellant has already remained in jail for more than the period, he has been awarded sentence.

I am of the view that the ends of Justice would be adequately met if the appellant be released from custody, if he is not required in any other case.

With these directions, the appeal is allowed.

11.03.2004 Sd/-

ASWAL